REMARKS/ARGUMENTS

Claims 1-10 remain pending in the instant application.

Amendments to the Claims

As amended above, claim 1 comprises the features of original claim 1 in the application as filed, and incorporates subject matter from Figures 1, 2a and 3, namely that the second port comprises a first flexible membrane and that the first channel (i.e. the channel that does not comprise the first flexible membrane) extends in a generally straight line through the body (1) of the device. Claim 4 is amended for consistency with the amendments to claim 1.

Claim 8 has been amended by adding the feature that the third connecting component comprises a first luer fitting component, but only for the sake of clarity and not because it is necessary to patentability. Support for this amendment can be found on page 6, lines 28-29 of the description.

Claim 11 is newly presented and incorporates the subject matter of claim 1, including the above noted amendments, presented in more customary form for U.S. examination.

No new matter has been added by these amendments.

Rejection under 35 U.S.C. § 102

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,254,097 to Schock, et al. (Schock). Applicant respectfully traverses the rejection.

As amended above, claim 1 recites a device for injection having a first channel that extends in a generally straight line through the body of the device, and further a second channel with a second port that has a flexible membrane that can be operated by means of an injection component for injecting a second medical substance in to the second channel. The amended claims are not anticipated by Schock.

Schock does not disclose a device for the injection of two medical substances, preferably liquids, where it is desired to transmit two medical substances from two different sources to a receiving unit. Instead Schock concerns a cannula with multiple access ports for performing multiple simultaneous medical procedures such as percutaneous cardiopulmonary bypass (PBY) and intra-aortic balloon pumping (IABP) (Schock, Col. 1, lines 11-13 and Col. 4, lines 10-13).

In PBY deoxygenated blood is removed through a first cannula inserted in a femoral vein of one of a patient's legs. The deoxygenated blood is fed to an external oxygenator and pump system, and then pumped back into the patient through a second cannula inserted in a femoral artery of one of the patient's legs. In IABP an intra-aortic balloon (IAB) is inserted into the body of a patient through a femoral artery in the groin area of the patient. The IAB then is pushed up through the arterial tree until the balloon is located in the descending thoracic aorta. Inflation and deflation of the balloon causes a pumping action that supplements the natural pumping of the heart. Inflation of the balloon forces blood out of the aorta to other parts of the body. Deflation of the balloon creates a slightly lowered pressure in the aorta, which reduces the back-pressure against which the heart must work during the next pumping cycle.

In contrast to the device disclosed in Schock, the present invention includes a first channel that extends in a generally straight line through the body of the device. As described in the specification, it is often desired to place the first channel vertically, so that fluid transportation from an infusion bag can be facilitated. There is no corresponding channel generally straight through the body of Schock together with a second channel including a second port that has a flexible membrane that can be operated by means of an injection component. The present specification describes that the second channel is advantageously arranged for injecting a second medical substance for further transport to a receiving unit, e.g. a patient.

Therefore Schock concerns a completely different type of device. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984). A ordinarily skilled person would not look to use such a device as Schock for the injection of two medical substances since the device is intended for a totally different application. Even if a skilled person were to use the device for the injection of medical substances he/she would have to modify the device considerably in order to arrive at a device according to an embodiment of the present invention.

Claims 2-10 each depend, either directly or indirectly from independent claim 1. These dependent claims are each separately patentable, but are offered as patentable for at least the same reasons as their underlying independent base claim, whose features are incorporated by reference. Therefore, Applicant respectfully submits that the rejection has been overcome, and kindly requests favorable reconsideration and withdrawal.

Conclusion

In light of the foregoing, an early and favorable Notice of Allowability is kindly solicited.

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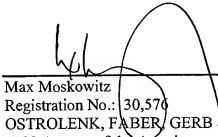
Respectfully submitted,



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